UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:17-cy-283-FDW

JAMES A. MINYARD,)
Plaintiff,)
vs.	ORDER
ERIK A. HOOKS, et al.,)
Defendants.)
)

THIS MATTER is before the Court on the *pro se* Plaintiff's Letter, (Doc. No. 71), that is construed as a Motion to Waive Remainder of Filing Fee.

The Prison Litigation Reform Act ("PLRA") provides that, "if a prisoner brings a civil action ... in forma pauperis, the prisoner shall be required to pay the full amount of the filing fee...." 28 U.S.C. § 1915(b)(1). Thus, the PLRA "makes prisoners responsible for their filing fees the moment the civil action or appeal is filed, ... [and] by filing the complaint or notice of appeal, the prisoner waives any objection to the fee assessment by the district court." McGore v. Wrigglesworth, 114 F.3d 601, 605 (6th Cir. 1997) (citation omitted), overruled on other grounds by Jones v. Bock, 549 U.S. 199 (2007); see also Goins v. Decaro, 241 F.3d 260, 262 (2d Cir. 2001) ("we are not at liberty to read into the PLRA judicial authority to cancel remaining indebtedness for withdrawn appeals."); Williams v. Roberts, 116 F.3d 1126, 1127 (5th Cir. 1997) ("the filing fee is to be assessed for the privilege of initiating an appeal, without regard to the subsequent disposition of the matter.").

Plaintiff asks the Court to forgive the unpaid balance of his filing fee or approximately \$164 because he brought this action in good faith and wishes to make other purchases out of his

inmate account. Plaintiff is still required to pay the full filing fee regardless of his good faith in filing this case, and therefore, his request to vacate the filing fee is denied. See McGore, 114 F.3d at 607; 28 U.S.C. § 1915(b)(1).

IT IS THEREFORE ORDERED that Plaintiff's Letter, (Doc. No. 71), is construed as a Motion to Waive Remainder of Filing Fee and is **DENIED**.

Signed: December 18, 2019

Frank D. Whitney

Chief United States District Judge